

REMARKS

The Office Action of July 21, 2005 has been received and carefully reviewed. In response, claims 4 and 11 have been cancelled without prejudice or disclaimer, and claims 1, 3, 7, and 8 have been amended. Reconsideration of pending claims 1-3, 5-10, and 12-20 is respectfully requested in view of the above amendments and the following remarks.

I. REJECTION OF CLAIMS 1-7, 9-13, 15-18, AND 20 UNDER 35 U.S.C. § 103

Claims 1-7, 9-13, 15-18, and 20 were rejected under 35 U.S.C. § 103 as being obvious in view of U.S. Application Publication No. US 2003/0083067 to Hanson in view of U.S. Application Publication No. US 2004/0063422 to Nickum. Reconsideration and withdrawal of these claim rejections is respectfully requested for at least the following reasons.

By the above amendment, claims 4 and 11 have been cancelled without prejudice or disclaimer and the features of claim 4 have been incorporated into independent claim 1, whereby step c) in method claims 1-3 and 5-10 includes communicating a ***per-minute roaming charge rate*** associated with the roaming charge that would be incurred to the mobile station such that the ***per-minute roaming charge rate is displayed*** on a display associated with the mobile station. Independent claim 12 and claims 13-16 depending therefrom are directed to a method for displaying a per-minute roaming charge on a mobile station, including determining a ***per-minute roaming charge*** will be incurred, ***communicating the per-minute roaming charge*** to the mobile station, and ***displaying the per-minute roaming charge***. Claims 17-20 involve a wireless network including ***means for determining a per-minute roaming charge*** will be incurred, ***means for communicating the per-minute roaming charge*** to the mobile station, and ***means for displaying a per-minute roaming charge on a mobile station***.

These features of pending claims 1-3, 5-10, and 12-20 are neither taught nor suggested by Hanson or Nickum or the proposed combination thereof, whereby reconsideration and allowance of these claims is respectfully requested under 35 U.S.C. § 103. Hanson is directed to a roaming solution for prepay and other roaming customers, by which service providers can mitigate credit risks in providing call services. The roaming solution of Hanson verifies that the prepaid wireless subscriber's account balance is sufficient to place or receive the call, translates the account balance

into talk minutes, and monitors the call for talk duration. If the prepaid wireless subscriber exceeds the available account balance, the invention tears down the call in the first negative minute and immediately decrements the prepaid wireless subscriber's account so as to minimize credit exposure for the service provider (Hanson paragraph [0019]). In the illustrated embodiments of Hanson, a Roaming Solution network system is described, including a Roaming Server 116, a national location register (NLR) 112 and an 800# remote switching unit (RSU) 130 (see paragraph [0038]). In operation, a market server 122 provides a maximum call duration to the 800# RSU 130, and the RSU 130 monitors and times the call, which can then be torn down and disconnected when the maximum call duration has been reached (see paragraphs [0049]-[0051], [0053], and [0057] of Hanson). With respect to the pending claims of the present application, **Hanson does not teach or suggest communicating a roaming charge rate to a mobile station.** Furthermore, as acknowledged in the Office Action, **Hanson does not teach or suggest displaying a roaming charge rate** on a display associated with the mobile station.

Nickum also fails to teach or suggest these features of the present claims, and does not appear to involve roaming charges at all. Rather, **Nickum describes a peak time indicator**, in which a wireless interface is coupled to a processor configured to input subscriber rate plan parameters associated with a service provider. Rate plan parameters include data associated with peak time charges. Rate plan parameters, including data associated with peak time charges, are compared with current parameters to determine if peak time charges are in effect. **An indication is provided to the user indicating that the peak time charges are in effect** (Nickum abstract, paragraphs [0007], [0008], [0027], [0028], [0030], [0032]-[0036]). The present claims, in contrast, involve displaying *roaming rates*. In this regard, **Nickum does not appear to teach or suggest anything with respect to roaming rates, but is instead directed to providing an indication that peak charges are in effect.** In particular, Nickum describes comparing present time parameters (time, date, day of the week) with corresponding peak time parameters to determine if the present time parameters are within the peak time parameters (paragraphs [0028] and [0032]), and if so, an indication is generated telling the user that peak charges apply. Thus, the system of Nickum determines whether peak values are in effect (Fig. 7, block 706) as a temporal matter, while roaming charge rates are instead related to geographical location of a mobile device, and **Nickum is silent with respect to roaming rates**. For this reason alone,

the pending claims are patentably distinct from the proposed combination of Hanson with Nickum.

With respect to the peak time indications in Nickum, moreover, there is no specific teaching of displaying actual peak time rate values. In one respect, a simple "PEAK" indication 201 is shown (Fig. 2) indicating that peak charges are in effect (paragraph [0027]). The display renderings, as well as audible, tactile, indications are discussed further in paragraphs [0032]-[0036] of Nickum, in which graduated peak charge rates are also discussed. Nickum describes that the indication may be provided in a variable manner to coincide with various or graduated rates including peak rates (paragraph [0032]). In this regard, Nickum provides examples in paragraphs [0032]-[0035] describing a level bar icon indicator illuminated in proportion to the level of peak charges in effect or tones which indicate the degree of peak charges in effect (paragraph [0032]), as well as more sophisticated graphical displays showing a clock face with an overlay indicating peak time periods and audible messages containing the level of peak charges in effect (paragraphs [0033]-[0035]). However, ***there appears to be no teaching of displaying a per-minute rate in Nickum.*** Furthermore, as discussed above, peak charge rates and roaming rates are different things, wherein Nickum fails to teach or suggest displaying anything related to roaming rates. Consequently, ***the proposed combination of Hanson with Nickum fails to teach or suggest each and every element of the pending claims,*** whereby reconsideration and withdrawal of the rejection thereof is requested under 35 U.S.C. § 103.

II. CLAIM OBJECTIONS AND ALLOWABLE SUBJECT MATTER

Claims 8, 14, and 19 were objected to on page 7 of the Office Action as being dependent upon a rejected base claim, but were indicated as being allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. By the above amendment, however, Applicants believe that the base independent claims 1, 12, and 17 are patentably distinct from the proposed combination of Hanson with Nickum, and claims 8, 14, and 19 are thus believed to be in condition for allowance in dependent form, wherein reconsideration and withdrawal of the objections thereof is respectfully requested.



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CONCLUSION

In response to the Office Action, claims 1, 3, 7, and 8 have been amended, and claims 4 and 11 have been cancelled without prejudice or disclaimer. For at least the above reasons, the currently pending claims are believed to be in condition for allowance and notice thereof is requested.

Should the Examiner feel that a telephone interview would be helpful to facilitate favorable prosecution of the above-identified application, the Examiner is invited to contact the undersigned at the telephone number provided below.

Should any fees be due as a result of the filing of this response, the Commissioner is hereby authorized to charge the Deposit Account Number 06-0308, LUTZ200231.

Respectfully submitted,

FAY, SHARPE, FAGAN,
MINNICH & McKEE, LLP


Eric Highman
Reg. No. 43,672
1100 Superior Avenue
Seventh Floor
Cleveland, Ohio 44114-2579
216-861-5582

8/30/05
Date

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Under 37 C.F.R. § 1.8, I certify that this Amendment is being deposited with the United States Postal Service as First Class mail, addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

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<u>August 30, 2005</u>	Kristi A. Murphy